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July 21, 2006

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FROM: Iain A. McIntyre

OUR REF: 58294US006

#### FAX NUMBER 571.273.8300

\* Please deliver to Tai V. Duong in Art Unit 2871. \*

Document(s) Transmitted: Species Election.

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In re. Patent Application of: KEITH M. KOTCHICK Examiner: Duong, Tai V.

Serial No.: 10/828,693 Group Art Unit: 2871

Filed: April 21, 2004 Docket No.: <u>58294US006</u>

Title: Structured Transflectors for Enhanced Ambient and Backlight Operation of Transmissive

Liquid Crystal Displays

Please charge any additional fees or credit overpayment to Deposit Account No. 50-2880.

Name: Iain A. McIntyre

Reg. No.: 40,337

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Iain A. McIntyre

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T-758 P.002/004 F-367

# JUL 2 1 2006

S/N 10/828,693

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

K. Kotchick

Examiner:

T. Duong

Serial No.:

10/828,693

Group Art Unit:

2871

Filed:

April 21, 2004

Docket No.:

58294US006

Title:

STRUCTURED TRANSFLECTORS FOR ENHANCED AMBIENT AND

BACKLIGHT OPERATION OF TRANSMISSIVE LIQUID CRYSTAL

DISPLAYS

I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office on July 21, 2006.

A. McIntvre

### SPECIES ELECTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the action dated June 23, 2006, setting a shortened one month statutory period for response.

Applicant hereby elects Species D, shown in FIG. 5A. The Examiner has indicated that claims 1-6, 16-19, 43-51, 55 and 64 are generic. Additionally, claims 7, 8, 10-12, 21-30, 32-42 read on Species D. The election of this species is made with traverse.

The selection of the various species is improper. Claims to be restricted to different species must be mutually exclusive (MPEP 806.04(f)). The species as presented in the action are not mutually exclusive of each other. For example, FIG. 5A shows a structured transflector surface having facets arranged at various base angles, while FIG. 5B shows a

> Page 1 58294US006 Species Election

structured transflector with facets at different angles and of different pitch. It is stated in the application that the other layers surrounding these transflector surfaces are omitted from the figures for clarity. Thus, it is clear that other layers, such as planarization layers, substrates, and the like, may be used in with these particular transflector surfaces. The difference between the two embodiments shown in FIGs. 2A and 2B, on the other hand, is simply in the arrangement of the layers that surround the structured transflector layer, and not in the transflector layers themselves. Accordingly, the transflector layers of FIGs. 5A and 5B may be used with surrounding layers arranged in different ways, for example using arrangements as shown in FIGs. 2A and 2B. Thus, the embodiments of FIGs. 2A and 2B are not mutually exclusive of the embodiments of FIGs. 5A and 5B.

Also, FIGs. 2A-2C, 5A, 5B, 7A and 7B show only the side profile of a structured transflector surface, and fail to show any detail of the third dimension (in these cases the shape of the transflecting surface as one propagates into the planes of these figures). FIGs. 8A and 8B schematically illustrate embodiments of the shape of a transflector in this third dimension. Nowhere is shape in the third dimension limited to the particular side profile shown in FIGs. 8A and 8B. Thus, the shapes in the third dimension shown in FIGs. 8A and 8B are applicable to all the profiles shown in FIGs. 2A-2C, 5A, 5B, 7A and 7B. The embodiments shown in FIGs. 8A and 8B cannot, therefore, be considered to be exclusive of the embodiments shown in FIGs. 2A-2C, 5A, 5B, 7A and 7B.

If a selection of species is to be made, then it is only fitting that the Examiner include all possible species. The Examiner failed, however, to include the embodiments of FIGs. 13A, 13B and 14A-14C in the selection of Species. It is unclear why these were omitted. Furthermore, the embodiments shown in FIGs. 13A, 13B and 14A-14C are not necessarily exclusive of the other species named.

Accordingly, there are several problems with the current requirement to select species. The Examiner is requested to withdraw the requirement to elect species and to proceed with examination of the claims.

Page 2 58294US006 Species Election If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the below-signed attorney at 612 436 9610.

Respectfully submitted,

On behalf of 3M Innovative Properties Company Customer Number 32692

Date: July 21, 2006

By:

Iain A. McIntyre Reg. No. 40,337

> Page 3 58294US006 Species Election